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FCC FILE 99-11

August 6, 1999

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Federal Communications Commission  
445 12<sup>th</sup> Street S.W., TW-A325  
Washington, D.C. 20554  
Attn.: Secretary Magalie Roman Salas

RE: Competitive Networks in Telecommunication (WT Docket 99-217 and CC Docket 96-98)

Dear Secretary Salas:

I am writing in response to the FCC's Notice of Proposed Rulemaking released on July 7, 1999, regarding forced access to buildings. I (on behalf of Mid-America Apartment Communities, Inc.) have enclosed six (6) copiers of this letter, in addition to this original. We are concerned that any action by the FCC regarding access to private property by large numbers of communications companies may inadvertently, unnecessarily adversely affect the conduct of our business, and needlessly raise additional legal issues. The Commission's public notice also raises a number of other issues that concern us.

Mid-America Apartment Communities, Inc. (MAC) is a self-managed, self-advised apartment-only real estate investment trust (REIT) that owns, develops, acquires, and operate over 135 apartment communities consisting of over 35,000 apartment units in 14 different states throughout the southeast, Midwest, and Texas areas. MAC oversees every aspect of each property and project from development through construction, to leasing and management.

First and foremost, we do not believe the FCC needs to act in this field because we are doing everything we can to satisfy our resident's demands for access to telecommunications. (Competition at a different level and position than the FCC's proposal) The FCC's request for comments raises the following issues of particular concern to us:

1. Nondiscriminatory access to private property: We must have and maintain control over space occupied by providers, especially when there are multiple providers involved. We must have/maintain control over who enters our buildings because we face liability for damage to the building, leased premises, and facilities of other providers, and for personal injury to residents and visitors. We are also responsible for safety code violations. A new company without a record of accomplishment poses greater risks than an established one.
2. Expansion of the scope of existing easements: If we had known that the FCC would allow companies to "piggy-back", we would have negotiated different terms with various service providers. This puts us at a significant competitive disadvantage.
3. Location of the demarcation point: The current rules and guidelines offer maximum flexibility for all involved. This should not change.
4. Exclusive contracts: They generally work to the benefit of the resident in the form of technology guarantees, service guarantees, and competitive clauses in the agreements between the owner and the service provider.
5. Expansion of the existing satellite dish or "OTARD" rules to include non-video services: We opposed the existing rules because we do NOT believe Congress meant to interfere with our (property owners') rights and responsibilities to manage our property. The FCC should not include data and other services. As a "matter of fact", they should revised the current ruling to

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August 6, 1999

Page 2

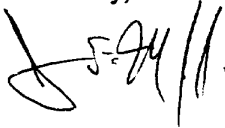
empower the property owner.

FCC action is NOT necessary. We are aware of the importance of telecommunications services to residents, and would not jeopardize our rent revenue stream by actions that would displease our residents. We compete against many other communities and community owners in various markets and we have a strong incentive to keep our properties up-to-date and competitively strong and stronger than our competition.

We believe NO further action on these items/issues is needed or warranted. If you need additional information or input on these items, please advise.

Kindest regards.

Sincerely,



James Maclin  
V.P. Maintenance Operations

CC:  
Congressman Harold Ford, Jr.  
Congressman Roger Wicker  
Senator Fred Thompson  
Senator Bill Frist